

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

**JAMES MORRISON, JR.**

**Plaintiff,**

**v.**

**CARRINGTON MORTGAGE  
SERVICES LLC,**

**and**

**WILMINGTON SAVINGS FUND  
SOCIETY, FSB as TRUSTEE OF  
ACM STANWICH ALAMOSA 2020  
TRUST,**

**and**

**PROFESSIONAL FORECLOSURE  
CORPORATION OF VIRGINIA**

**Defendants.**

**Civil Action No. \_\_\_\_\_**

**DEFENDANTS CARRINGTON MORTGAGE SERVICES, LLC AND WILMINGTON  
SAVINGS FUND SOCIETY, FSB as TRUSTEE OF ACM STANWICH ALAMOSA  
2020 TRUST'S  
NOTICE OF REMOVAL**

Defendants Carrington Mortgage Services, LLC (**Carrington**) and Wilmington Savings Fund Society, FSB as Trustee of ACM Stanwich Alamosa 2020 Trust (**WSFS**), pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, remove this action currently pending in the Circuit Court

for the County of Chesterfield, Virginia, to the United States District Court for the Eastern District of Virginia. The removal of this action is based upon the following:

1. On or about December 10, 2021, Plaintiff James Morrison, Jr. (**Mr. Morrison**) filed a complaint in the Circuit Court for the County of Chesterfield, Virginia, titled *James Morrison, Jr. v. Carrington Mortgage Services LLC, Wilmington Savings Fund Society, FSB as Trustee of ACM Standwich Alamosa 2020 Trust, Professional Foreclosure Corporation of Virginia*, Case number 041CL21003988-00 (**State Action**). A true and correct copy of all documents filed in the State Action are attached hereto as Exhibit A and are incorporated herein by reference.

2. On or about December 14, 2021, Carrington was served with a copy of the complaint (**Complaint**) filed in State Action.

3. The Complaint contains counts against Carrington and WSFS for alleged violations of federal statutes 12 U.S.C. § 2601 *et seq.* (Compl. ¶¶ 38–49) and 15 U.S.C. 1601 *et seq.* (Compl. ¶¶ 50–60). The Complaint also contains counts for breach of contract, breach of fiduciary duty, declaratory judgment, and violation of Virginia Code § 55.1-321.

4. This Court has subject matter jurisdiction over the State Action pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446.

5. Under 28 U.S.C. § 1441(a), "any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or defendants, to the district court of the United States for the district and division embracing the place where such action is pending."

6. The United States District Courts "have original jurisdiction of all civil actions arising" under federal law. 28 U.S.C. § 1331. "Ordinarily, an action 'arises under' federal law

within the meaning of § 1331 when federal law creates the cause of action." *Townes Telecommunications, Inc. v. National Telecommunications Cooperative Assoc.*, 391 F.Supp.3d 585, 589 (E.D. Va. 2019) (quoting *Gunn v. Minton*, 568 U.S. 251, 257, 133 S.Ct. 1059, 185, L.Ed.2d 72 (2013)).

7. The counts for violations of federal statutes 12 U.S.C. § 2601 *et seq.* and 15 U.S.C. § 1601 *et seq.* clearly arise under federal law, giving this Court original jurisdiction.

8. This Court has jurisdiction over the remaining state-law claims pursuant to 28 U.S.C. § 1367(a), which authorizes federal courts to exercise supplemental jurisdiction over state law claims that "are so related to claims in the action within [the court's] original jurisdiction that they form part of the same case or controversy...."

9. Each of the state-law claims in Mr. Morrison's Complaint relate to the same operative facts involving the circumstances surrounding the alleged violations of the federal statutes. As such, this Court should exercise supplemental jurisdiction over the state-law claims. *See e.g., Erline Co. S.A. v. Johnson*, 440 F.3d 648, 653 (4th Cir. 2006) (holding that "the Plaintiffs' state claims plainly arise from the same 'case or controversy' as the federal securities claim, for both the securities claim and the state claims arise from the same set of facts: the fraud scheme allegedly orchestrated by the defendants."); *White v. County of Newberry, S.C.*, 985 F.2d 168 (4th Cir. 1993) (holding that the district court properly exercised supplemental jurisdiction over state law claims that revolved around the same central fact pattern as the federal claim).

10. This Notice of Removal is being filed within thirty days of the removing Defendants being served with process of the initial pleading in the State Action and is therefore timely under 28 U.S.C. § 1446(b).

11. Pursuant to 28 U.S.C. § 1441(b)(2)(A), Carrington's counsel has spoken by phone with counsel for Defendant Professional Foreclosure Corporation of Virginia, who consented to removal to federal court. All defendants properly served and joined have consented to removal.

12. Venue is proper in this Court because the United States District Court for the Eastern District of Virginia, Richmond Division, includes Chesterfield, Virginia, where the State Action is pending. 28 U.S.C. § 1441(a).

13. A copy of this Notice of Removal is being provided to the Plaintiff and filed with the clerk of the Circuit Court for the County of Chesterfield, Virginia, in compliance with 28 U.S.C. § 1446(d).

For the foregoing reasons, removal to this Court is proper.

DATED this 5th day of January, 2022.

Respectfully submitted,

/s/ J. Travers Clark  
James Travers Clark (VSB # 94706)  
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*Counsel for Carrington Mortgage Services  
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FSB as Trustee of ACM Stanwich Alamosa  
2020 Trust*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Removal was mailed this 5th day of January, 2022 to the following counsel of record:

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/s/ J. Travers Clark